

ELECTION

As previously noted, Applicant respectfully Elected "Invention 1" having claims 1-5 and claims 8-15 with traverse. Claims 6 and 7 as originally filed may have been considered distinct from the Elected claims, but as currently amended, they should be not be considered patentably distinct. As amended, claims 6 and 7 should each be considered linking claims to claim 1.

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action of August 2, 2006 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. As a result of this Amendment, claims 1, 6, 7 and 8 have been amended and claims 3 and 11 have been cancelled. Claims 1-2, 4-10, and 11-15 remain in the Application.

In paragraph 3, page 2, of the Office Action, Claim 6, was rejected under 35 U.S.C. § 112, first paragraph.. Claim 6 has been amended to limit the linkage of detecting a negative phase with determining a timing offset by adding the limitation of "when detecting the lack of the synchronization symbol;". Thus, this should resolve any issues regarding enablement. In paragraph 4, page 3, Claim 7 was similarly rejected and a similar limitation was added.

In paragraph 6, page 3, of the Office Action, Claims 1-2, 4-10 and 12-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,608,764 to Sugita in view of U.S. Patent No. 6,501,810 to Karim.

In paragraph 7, page 4, of the Office Action, Claims 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,608,764 to Sugita and U.S. Patent No. 6,501,810 to Karim in view of U.S. Patent 6,434,205 and further in view of U.S. Patent No. 6,434,205 to Taura.

In paragraph 8, the Examiner indicated that claims 3 and 11 would be allowable if re-written in independent form.

Although the Applicant still believes the claims as previously presented are novel and non-obvious in view of the cited references, the Applicant has incorporated the limitations of claims 3 and 11 into the respective independent claims 1 and 8 to expedite prosecution herein.

The Examiner rejected most of the claims as being unpatentable over Sugita et al. in view of Karim or Taura. Although Sugita does discuss a method of synchronization in an OFDM system, Sugita fails to teach, suggest, mention, or contemplate using a phasor to estimate an average delay of a multi-carrier modulation symbol for determining a timing offset over a set of OFDM symbols as recited in claim 1. Although Karim discusses corruption of a synchronization symbol, the Applicant fails to see how Karim suggests detecting a lack of a synch signal on a receiver that uses phasors. Applicant fails to see a clear motivation to combine among the references and only finds a tenuous link. Nonetheless, the amendment presented should make the existing rejection moot.

CONCLUSION

Consequently, an indication of allowability is respectfully requested. Should any minor points remain prior to the issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number. No new matter has been introduced by any of the above amendments.

Respectfully submitted,

Date October 31, 2006

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